IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8512 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MELSINH MOTISINH SOLANKI

Versus

STATE OF GUJARAT

Appearance:

MR MURALI N DEVNANI for Petitioner

None present for Respondent No. 1, 2, 3, 4, 5

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/08/2000

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

2. Challenge has been made by the petitioner to the show cause notice given by the respondent to show cause as to why he should not be dismissed from the services on

the ground that he has been convicted in a criminal case for the offences under section 332, 337 and 353 of I.P.C.. Challenge has also been made to the order of the respondents dated 24th February, 1999 under which he was placed under suspension.

3. So far as the challenge to the show cause notice is concerned, this petition is not maintainable in view of the pronouncement of the Hon'ble Supreme Court in the case of Executive Engineer, B.S.H.B. vs. Ramesh Kumar Singh reported in 1996 (1) SCC 327. The petitioner has already filed reply to the show cause notice and the petitioner cannot be permitted to stall the proceedings by challenging this show cause notice before this Court.

4. So far as the suspension is concerned, that order has been passed in the year 1999 and as now the show cause notice has been given to the petitioner for his dismissal, at this stage, in this also, no interference can be made.

5. As a result of the aforesaid discussion, this petition is dismissed. Rule discharged. However, the respondent - Chief District Health Officer, Sabarkantha District Panchayat, Himmatnagar, Dist. Sabarkantha is directed to decide the matter within a period of two months from the date of receipt of writ of this order.

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zgs/-